

**From:** Andrew Bogott  
**To:** Microsoft ATR  
**Date:** 1/24/02 4:30pm  
**Subject:** Microsoft Settlement

To whom it may concern,

I am writing concerning the proposed antitrust settlement with Microsoft. As a software developer I have experienced many consequences of Microsoft's monopoly and their abuses of it. I am deeply dissatisfied with the remedies that you are currently considering.

Clearly, Microsoft's ownership of Microsoft Windows is at the heart of their monopoly power. I'm struck, then, at how the proposed settlement dodges this essential fact: if there were other potential providers of Windows-compatible operating systems, Microsoft would cease to be a monopoly. Needless to say, Microsoft will do all that it can to prevent the emergence of such competitors; any antitrust action that permits it to continue to do so will ultimately fail to dislodge Microsoft from its position as a monopoly.

I am an occasional contributor to the Wine project, which is an open-source initiative which seeks to create (in conjunction with Linux) a Windows-compatible alternative to Windows. Wine is by no means the only potential competitor to Windows, but I suspect that the barriers we're encountering have impeded similar projects, commercial and non-commercial.

Most importantly, in order to create a Windows-compatible OS, we need to know exactly what it means to be windows-compatible. This would require Microsoft to publish accurate, reliable and up-to-date documentation of their APIs. The settlement proposal requires that Microsoft publish such APIs but, interestingly, it specifically excludes OS designers from the potential recipients of this information:

(section E)

"Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product..."

Clearly, this line must be amended to allow this information to be distributed to potential OS (or Windows-compatibility) designers. Additionally, as a Wine developer, I'm uncomfortable that this section discusses Microsoft's duties to specific company types... as Wine is not a company per se, I'd prefer that this information be released to the public domain, plain and simple.

Having dealt with a decade of Microsoft-imposed frustrations, I might like to see the company punished simply out of spite. I am, however, trying to take a utilitarian approach. I think of all the things that personal computers could be today if not for the past years under the monopoly's shadow, and I dream of a future in which true innovation (and the competition that produces it) is possible.

We are at a crossroads -- either we can have Microsoft established (like AT&T of the 1900's) as our nation's single, government-protected operating system-provider, or we can have a truly diverse, competitive, innovative landscape for personal computing. The resolution of this antitrust trial will choose one of these paths. As currently written, it chooses the former.

Thank you for your consideration.

Andrew Bogott

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